

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2142
Docket No.: 21.1924

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sumiyo Okada

Serial No. 09/336,706

Group Art Unit: 2142

Confirmation No. 7969

Filed: June 21, 1999

Examiner: Beatriz Prieto

For: MESSAGE DISPLAY METHOD AND INFORMATION EXCHANGE SYSTEM AND
STORAGE MEDIUM

PETITION / REQUEST FOR WITHDRAWAL OF FINALITY OF ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: **BOX AF**

Sir:

On July 1, 2005, the Examiner issued a non-final Office Action. On October 3, 2005, Applicant filed an Amendment. On October 25, 2005, the Examiner issued a Notice of Non-Compliance, which cannot be found on the PTO PAIR web-site. A copy is provided herewith for convenience. On the same day the Examiner issued an Office Action having a due date of November 25, 2005, making no rejections, asserting in the "Detailed Action" various interpretations of the claims, and also asserting the application was not in compliance with MPEP §§ 2163 B(II), 608.01(o) and 608.04. On November 8, 2005, Applicant filed a Response to Notice, traversing the Notice of Non-Compliance and interpretations of the Office Action, without amending the claims. On September 14, 2006, the Examiner issued a Final Office Action with new grounds for rejection under 35 U.S.C. §§ 112 and 103.

As the "Response to Notice" of October 25, 2005 did not amend the claims and thereby did not raise any new issues, the rejections under 35 U.S.C. §§ 112 and 103 are new grounds for rejection. As a result, the Examiner introduced new grounds of rejection that was not necessitated by applicant's amendment of the claims.

The applicant respectfully requests that the finality of the Action be withdrawn. (See MPEP § 706.07(a)).

*OK to be
entered
11/24/06
B. Prieto*